

**Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
2002 Biennial Regulatory Review --)	MM Docket No. 02-277
Review of the Commission's Broadcast)	
Ownership Rules and Other Rules Adopted)	
Pursuant to Section 202 of the)	
Telecommunications Act of 2002)	
)	
Cross-Ownership of Broadcast Stations and)	MM Docket No. 01-235
Newspapers)	
)	
Rules and Policies Concerning Multiple)	MM Docket No. 01-317
Ownership of Radio Broadcast Stations in)	
Local Markets)	
)	
Definition of Radio Markets)	MM Docket No. 00-244
TV Broadcast Licensees)	

Comments of

**CHILDREN NOW
AMERICAN ACADEMY OF CHILD AND ADOLESCENT PSYCHIATRY
AMERICAN ACADEMY OF PEDIATRICS
AMERICAN PSYCHOLOGICAL ASSOCIATION
ACTION COALITION FOR MEDIA EDUCATION
CENTER FOR MEDIA EDUCATION
MEDIASCOPE
NATIONAL ASSOCIATION OF CHILD ADVOCATES
NATIONAL INSTITUTE ON MEDIA AND THE FAMILY
NATIONAL PTA**

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SUMMARY

In these Comments, Children Now, American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, American Psychological Association, Action Coalition for Media Education, Center for Media Education, Mediascope, National Association of Child Advocates, National Institute on Media and the Family, and National PTA (hereafter “Children Now, *et al.*”) maintain that the Federal Communications Commission has neglected to consider the distinct needs of children in its rulemaking on broadcast ownership rules. Children Now, *et al.* argue that the Commission has a public interest obligation, consistent with its long-standing interpretation of Section 202(h) of the Telecommunications Act of 1996, to evaluate the consequences its decisions will have on the child audience.

Children Now, *et al.* argue that the Commission should retain the ownership rules with some minor modifications in order to promote diversity, competition and localism for the child audience. Research has shown that media, particularly television, play a unique and powerful role in the development of children. Indeed, broadcast television remains the primary media source for children. Yet, despite their reliance on broadcast television, children’s needs are not well-served by the marketplace. Thus, the Commission must adopt policies that safeguard children’s interests. Moreover, because children do not have sufficient access to cable, DBS and the Internet, these media cannot be considered substitutes for broadcast television for children.

Children Now, *et al.* also maintain that the Commission must retain the current ownership rules to ensure sufficient original programming for children. Media consolidation diminishes source diversity for the child audience. Moreover, the repurposing of children’s programming has already reduced the amount of original programming for children and could undermine broadcasters’ compliance with the Children’s Television Act. The Commission must ensure that children have access to diverse viewpoints in the television programming they so readily consume.

In addition, Children Now, *et al.* are concerned that relaxation of the ownership rules will reduce competition, stifling innovation and increasing commercialism in children’s programming. Children are particularly vulnerable to influences of commercialism; and the Commission must consider the effects of consolidation on advertising aimed at children, as well as the content of children’s programs.

Furthermore, the FCC must promote local programming to support children’s healthy development. Research indicates that media consolidation diminishes the amount of locally-produced programming. Yet locally-produced news, public affairs and E/I programming enhance the education and civic engagement of children. Moreover, sufficient local news programming is essential to create adequate viewpoint diversity for adults about critical children’s issues.

Finally, the Commission must consider how changes to the ownership rules will affect the children's market in the impending digital convergence. America's children are at risk of being ignored amidst unprecedented technological innovations and endless commercial opportunities. Children Now *et al.* urge the Commission to ensure that there is sufficient local programming available on DTV to meet children's needs. Further, Children Now, *et al.* maintain that in a digitally-converged environment, where television and the Internet are available from the same platform, the Commission must not consider these media as substitutes for one another.

In sum, children rely on broadcast media to provide them with diverse programming that enriches, educates and entertains. Only by retaining the ownership rules will the Commission promote the viewpoint diversity, competition and localism that are so necessary to the child audience.

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Comments of CHILDREN NOW, *et al.*

I. INTRODUCTION

Children Now, The American Academy of Child and Adolescent Psychiatry, The American Academy of Pediatrics, The American Psychological Association, The Action Coalition for Media Education, The Center for Media Education, Mediascope, The National Association of Child Advocates, The National Institute on Media and the Family, and The National PTA (hereafter “Children Now, *et al.*”) hereby submit Comments to the Federal Communications Commission (“Commission” or “FCC”) in the above-docketed Notice of Proposed Rulemaking (“NPRM”). Children Now, *et al.* maintain that the Commission has neglected to consider the distinctive needs of children in its rulemaking. We believe that the Commission’s ownership policies have a serious

impact on the quality and quantity of children's programming. As part of its review of the ownership rules, the Commission has an obligation to evaluate the consequences its decisions will have on the child audience.

Unfortunately, Children Now, *et al.* anticipate being the only Commenter to focus on the impact of ownership rules on children because the Commission failed to raise this important issue in the NPRM. Moreover, none of the FCC-commissioned studies considered the consequences of consolidation for children. As a result, the FCC missed an opportunity to solicit a range of views, as well as relevant research, on this issue. Due to the Commission's oversight in considering these related issues, Children Now also will be conducting an in-depth study to further document the effects of media consolidation on children. Because the Commission has not allowed for adequate time to conduct such research, Children Now, *et al.* ask that the Commission reserve any decision-making in this matter until the research is completed and can be incorporated into its ownership policy.

II. THE COMMISSION SHOULD PROCEED IN A MANNER THAT PROMOTES DIVERSITY, COMPETITION AND LOCALISM FOR THE CHILD AUDIENCE.

Throughout the NPRM, the Commission suggests that it may lack sufficient evidence of an adverse impact of broadcast consolidation to justify the preservation of its ownership rules.¹ In these comments, Children Now, *et al.* provide this evidence by documenting the viewing patterns and needs of children and demonstrating the detrimental impact of media consolidation on this audience. Based on this research, Children Now, *et al.* argue that the Commission should not relax the ownership rules.

¹ See, e.g., NPRM ¶19.

A. The Commission Should Retain the Current Ownership Rules with Some Minor Modifications.

The evidence indicates that rather than relaxing the current ownership rules, the Commission should strengthen its existing rules with some minor modifications to address concerns raised by the D.C. Circuit Court of Appeals. Thus, Children Now, *et al.* agree with United Church of Christ, *et al.* (hereafter “UCC, *et al.*”) that the Commission should modify the local TV multiple ownership rule by abandoning a voice test and returning to the previous rule which prohibited common ownership and control of stations with overlapping Grade B signals. However, in the alternative, the Commission could remedy the inconsistency criticized by the court in *Sinclair Broadcast Group, Inc. v. FCC*² by adopting the same definition of voices for the TV duopoly rules as for the radio-TV cross-ownership rules and, at the same time, raising the threshold voice count. Moreover, the Commission should not expand the radio-TV cross-ownership rule’s definition of voices to include any other types of media outlets, because these alternatives fail to contribute meaningfully to viewpoint diversity and localism for children. In addition, to further protect the child audience, the Commission should retain the national ownership limit but eliminate the UHF discount, which overcompensates UHF station owners. Finally, Children Now, *et al.* argue that to ensure diverse programming for children, the Commission should retain the dual network rule. Children Now, *et al.* believe that only through these actions can the Commission protect the important interests of children.

Children Now, *et al.* recommend that any relaxation of the existing rules be accompanied by a requirement that the Commission analyze, according to specific

guidelines, the impact of any proposed media mergers on children served by the market. These guidelines should consider the number and type of media outlets and their availability and use by children. Proposed consolidations that compromise the interests of children should be rejected.

B. The Commission Should Act Consistently with its Long-Standing Interpretation of Section 202(h).

The Commission should adhere to its long-standing interpretation of Section 202(h) of the Telecommunications Act of 1996 to retain rules that serve the public interest.³ Section 202(h) provides that the Commission must review its ownership rules on a biennial basis and “determine whether any of such rules are necessary in the public interest as the result of competition. The Commission shall repeal or modify any regulation it determines to be no longer in the public interest.”⁴ Children Now, *et al.* agree with the Commission’s argument in its rehearing petition in *Fox Television, Inc. v. FCC*⁵ that “‘necessary in the public interest,’ when viewed in the context of the rest of the 1934 and 1996 Acts, means ‘in the public interest,’ or useful or appropriate.”⁶ The record will demonstrate that current market conditions justify retaining the rules as a legitimate means of protecting the public interest of children.⁷

² 284 F.3d 148 (D.C. Cir. 2002).

³ NPRM ¶18.

⁴ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat.56 (1996).

⁵ 280 F.3d 1027, *rehearing granted*, 293 F.3d 537 (D.C. Cir. 2002).

⁶ NPRM ¶18.

⁷ Indeed, the market today would justify adoption of these ownership rules in the first instance. Under *State Farm*, the same standard applies to repealing or modifying a rule as adopting a rule in the first instance. Thus, the Commission cannot read the statute as requiring a higher public interest showing for retaining the ownership rules. *See, e.g., Motor Vehicle Mfrs. Ass’n vs. State Farm Mut. Automobile Ins. Co.* 463 US 29 (1983).

Indeed, Children Now, *et al.* argue that the current ownership rules are an indispensable means of protecting the public interest of the child audience and must be retained even if the Commission maintains that Section 202(h) requires it to retain only rules that are essential to the public interest.⁸ While children are an enormous audience of broadcast media, the market will not ensure that their needs are met. The Commission has historically responded to this, instituting protections for children (e.g. the Three Hour Rule) the market did not establish. Therefore, the Commission has an obligation to safeguard children's interests. Because the ownership rules preserve media opportunities for this special audience, they are both useful and indispensable to serving the public interest of children and must be retained.

III. THE COMMISSION HAS AN OBLIGATION TO CONSIDER THE IMPACT OF MEDIA CONSOLIDATION ON CHILDREN.

Research has shown that media, particularly television, play a unique and powerful role in the development of children. Television has the ability to enhance cognitive skills, increase knowledge, model social conduct and promote physical well-being. Through presence and absence, television sends powerful messages about race, class and gender identity. Further, educational, entertainment and commercial messages shape young viewers' perceptions of the world and contribute to their preparation for academic, social and civic life.

A. Children Comprise a Large Broadcast Audience Whose Needs Are Not Being Served.

The FCC must protect children's interests because, despite their large numbers, they cannot advocate for themselves. Children in the United States are greater in number

⁸ See NPRM ¶18.

and in cultural and ethnic diversity than ever before. According to the 2000 Census, there are 72.3 million children under the age of eighteen in the United States. Children of color accounted for 39 percent of this population in 2000, compared with 31 percent in 1990.⁹ Twenty-seven million children (38%) live in families with incomes below 200 percent of the federal poverty level.¹⁰ The FCC has an established obligation to consider this significant segment of the population when formulating policy.

Television is an extraordinarily powerful and ubiquitous medium for the nation's children. On average, children watch almost three hours of television per day; more than half of all kids (53%) have a television in their bedroom.¹¹ Moreover, virtually all children watch television before their first exposure to formal education. For example, nearly 70 percent of day care facilities have a TV on for several hours each day.¹² By the time most American children finish the first grade, they will have spent the equivalent of three school years in front of the TV.¹³

Despite the amount of time that they spend watching television, children have limited programming options. For example, children do not have access to much educational programming. Numerous studies have shown that exposure to educational television can have positive effects on the social, intellectual and educational

⁹ William P. O'Hare, *The Child Population: First Data From the 2000 Census*, (Baltimore, MD: The Annie E. Casey Foundation and Population Reference Bureau, June 2001).

¹⁰ U.S. Census Bureau, 2000 Census, cited by Annie E. Casey Foundation, "Kids Count Census Data Online," <http://www.aecf.org/kidscount/census/>, accessed 10 December 2002.

¹¹ Donald F. Roberts, *et al.*, *Kids & Media @ the New Millennium* (Los Altos, CA: Kaiser Family Foundation, 1999), <<http://www.kff.org/content/1999/1535/>>.

¹² Benton Foundation, "FCC Gives Teeth to the Children's Television Act of 1990," <<http://www.benton.org/Policy/TV/kidstv-sum.html>>, revised 17 December 1996.

¹³ *Id.*

development of young children.¹⁴ Nonetheless, few such programs appear on commercial television.

Similarly, although children do most of their viewing during prime time, the programming during these hours does not reflect children's needs and interests. Nielsen data show that young viewers of broadcast television are watching mostly during the 8 o'clock hour and are watching mostly situation comedies. Nielsen research also shows that African American and Latino youth consume more prime time television on average than any other racial or ethnic group.¹⁵ Yet, studies indicate that prime time situation comedies are one of the least diverse genres on television.¹⁶

Children want programming that reflects the diverse world in which they live. In surveys, children report that such shows provide role models and demonstrate that people

¹⁴ A.C. Huston and J.C. Write, "Television and the Informational and Educational Needs of Children," *Annals of the American Academy of Political and Social Science*, vol. 557 (1998), pp. 9-23. For example, a Georgetown University study found that children who watched educational shows had higher academic achievement than children who did not watch the shows. A University of Kansas study found that preschool age children who viewed educational programming increased their school readiness for kindergarten and had superior high school grades in English, science and math. Another study from the University of Kansas study showed that children ages two to four from low and moderate income families who watched *Sesame Street* and other educational programs performed better on vocabulary, school readiness, pre-reading and math tests than non-viewers as much as three years later. See also, Amy B. Jordan and Emory H. Woodard, IV, *The 1997 State of Children's Television Report: Programming for Children Over Broadcast and Cable Television* (Philadelphia, PA: Annenberg Public Policy Center, 1997), <http://www.appcpenn.org/mediainhome/children/>.

¹⁵ Nielsen Media Research, "Hispanic-American Television Audience," <http://www.nielsenmedia.com/ethnicmeasure/hispanic-american/indexHisp.html>, revised 1 January 2001.

¹⁶ Children Now, *Fall Colors 2000-2001: Prime Time Diversity Report* (Oakland, CA: Children Now, 2001).

of all races are important.¹⁷ Yet, children's programming and prime time programming lack the diversity children seek.¹⁸

While racial minorities constitute nearly one-third of the United States population, the National Telecommunications and Information Administration reports that minority radio and television ownership stood at 3.8 percent in 2000.¹⁹ Recent research indicates that minority broadcasters believe that the 1996 Telecommunications Act and subsequent media consolidation have eliminated the opportunities for small entrepreneurs.²⁰

Children Now, *et al.* agree with comments submitted by UCC, *et al.*, noting that there is evidence to support the Commission's traditional view that multiple owners are more likely to provide divergent viewpoints and that diverse ownership is essential for democracy.²¹ Children Now, *et al.* maintain that diversified ownership will ultimately provide children with news, public affairs and entertainment programming that more accurately depicts the world in which they live. Children Now research has shown that such portrayals promote children's healthy development and well-being.²² Therefore, the FCC must promote opportunities for minorities, women, and small businesses to own

¹⁷ Children Now, *A Different World: Children's Perceptions of Race and Class in the Media* (Oakland, CA: Children Now, 1998).

¹⁸ Children Now, "Why It Matters: Diversity on Television," *Media Now*, Summer 2002 (Oakland, CA: Children Now, 2002).

¹⁹ National Telecommunications and Information Administration, *Changes, Challenges and Charting New Courses: Minority Commercial Broadcast Ownership in the United States*, (Washington, D.C.: U.S. Department of Commerce, December 2000), <<http://search.ntia.doc.gov/pdf/mtdpreportv2.pdf>>, accessed 19 December 2002.

²⁰ Dana Rawls, "Minorities and the Media: Little Ownership and Even Less Control," *Alternet*, <<http://www.alternet.org>>, accessed 12 December 2002.

²¹ See Comments submitted by United Church of Christ, *et al.*, filed 2 January 2003; see also, NPRM ¶30.

²² Children Now (1998).

broadcast stations so that children have access to programming on different issues and a diversity of viewpoints on the same issues.

B. Other Media, Including Cable, DBS And The Internet, Cannot Be Considered Substitutes For Broadcast Television For Children.

Broadcast television is overwhelmingly the primary media source for children. As the Commission suggests, “the level of diversity that the public enjoys varies among different demographic or income groups.”²³ For children, cable, DBS and the Internet cannot be considered valid substitutes for broadcast television.

Over one-quarter of children in the United States (26%) do not have access to cable or DBS broadcasting and rely solely on broadcast television for their programming.²⁴ Thus, while children’s programming offered on cable might meet the FCC’s core E/I programming standards for preschool and pre-teen audiences, these shows are not uniformly available. Because many children are unable to watch the cable and DBS networks that offer the highest quality children’s programming, these media should not be considered a substitute for broadcast television for children.

Similarly, Internet use is not widespread among children. According to Census Bureau data, in 2001, 60 percent of 5- to 9-year-olds, 35 percent of 10- to 13-year-olds, and 25 percent of 14- to 17-year-olds had not used the Internet at all, from any location.²⁵ Furthermore, the digital divide prevents some groups, namely low-income children and children of color, from accessing the Internet. In 2001, only 45 percent of children from low-income households (\$15,000 per year and under) went online from any location, and

²³ See NPRM ¶48.

²⁴ Roberts, *et al.* (1999).

only about half of African American (52%) and Latino (48%) children used the Internet from any location. Figures for home Internet use among these groups are particularly low—only 24 percent of low-income families, 25 percent of African American children, and 20 percent of Latino children use the Internet from their homes.²⁶

Children who do access the Internet do not spend as much time online as they do watching television. Specifically, 12- to 17-year-olds spend an average of 46 minutes per day online, 6- to 11-year-olds spend an average of 15 minutes per day online and 2- to 5-year-olds spend an average of only six minutes online each day.²⁷ In contrast, children spend an average of almost three hours per day watching television. Indeed, even as children's time spent on the Internet has increased, their time spent watching television has remained stable over the last four years.²⁸ Therefore, it appears that several large population groups – children under nine years of age, children from low-income families, and minority children – currently do not have sufficient access to the Internet for it to serve as a substitute for television.²⁹

Children's heavy reliance on broadcast TV, to the exclusion of other media, makes the ownership rules particularly important to this population group. Therefore, the

²⁵ U.S. Department of Commerce, *A Nation Online: How Americans are Expanding Their Use of the Internet* (Washington, D. C.: NTIA and ESA, February 2002), p. 43, <<http://www.ntia.doc.gov/ntiahome/dn/>>, accessed 3 December 2002.

²⁶ *Id.*

²⁷ Emory H. Woodard, IV, *Media in the Home 2000: The Fifth Annual Survey of Parents and Children* (Philadelphia, PA: The Annenberg Public Policy Center, 2000), <<http://www.appcpenn.org/mediainhome/survey/survey7.pdf>>.

²⁸ *Id.*

²⁹ Children Now, *et al.* concur with Dean Baker's report, *An Analysis and Critique of the FCC Studies*, Department for Professional Employees, AFL-CIO Publication No. 02-5 (Washington, D.C.: DPE, AFL-CIO, December 2002), which questions the validity of the Commission's findings on its study of substitutability across media. Further, Children Now, *et al.* note that children were not included in the study.

Commission should not modify the ownership rules without considering the impact on children.

IV. THE COMMISSION MUST RETAIN THE CURRENT OWNERSHIP RULES TO ENSURE SUFFICIENT ORIGINAL PROGRAMMING FOR THE CHILD AUDIENCE.

The Commission must ensure that children have access to diverse perspectives in the television programming they so readily consume. In these Comments, Children Now, *et al.* provide evidence that media consolidation has an adverse impact on the development and airing of new programming for children. Thus, Children Now, *et al.* urge the Commission to retain the current ownership rules to protect the child audience.

A. Media Consolidation Diminishes Source Diversity for the Child Audience.

Over the past few decades, media consolidation has resulted in fewer companies producing programming, even as cable and satellite broadcasting has increased the number of channels available to the public. For example, according to a recent study released by the Commission, in 1970, twenty studios or production houses supplied 68 percent of all prime time programming. By 2002, ten studios programmed 88 percent of all prime time programming.³⁰ Further, after the Commission repealed the Financial Interest and Syndication Rules, both in-house production and studio mergers occurred.³¹ This consolidation resulted in a reduction in the number of decision-makers involved in creating programs. As the Writers Guild noted, this meant “[f]ewer decision makers,

³⁰ Mara Einstein, *Program Diversity and the Program Selection Process on Broadcast Network Television* (Washington, D.C.: Federal Communications Commission Media Ownership Working Group Studies, September 2002), <http://www.fcc.gov/ownership/studies.html>.

³¹ “Comments of the Writers Guild of America Regarding Harmful Vertical and Horizontal Integration in the Television Industry,” filed by Charles B. Slocum, 4 January

fewer places a writer or independent producer can take an idea [and] less diversity of voices on television.”³²

Media consolidation has resulted in less source diversity in children’s programming as well. According to an Annenberg Public Policy Center survey of key players in and around the children’s television industry, consolidation has been a means of reducing the costs of children’s educational programming, which is generally not seen as profitable.³³ The Annenberg survey found that consolidation has reduced the number of independent and local producers who, in the past, had provided educational programming to independent stations and local network affiliates.³⁴ As one survey respondent noted,

*One had hoped, you know, with all this talk about the growth of a lot of independent producers that we would have access to all these new hours for children’s television and, frankly, it has not happened. There’s been a real consolidation of the major companies that produce children’s programming.*³⁵

Having fewer producers of children’s programming leads to diminished diversity in this market.

Over the next several months, Children Now will conduct a study to examine and document how media consolidation affects source diversity. Children Now, *et al.* ask that the Commission allow time for such research to be conducted and include the findings in its consideration of proposed rule changes.

2002, on behalf of Writers Guild of America, West, Inc. and Writers Guild of America, East Inc.

³² *Id.*

³³ Amy B. Jordan, *The Three Hour Rule: Insiders’ Reactions* (Philadelphia, PA: Annenberg Public Policy Center, 1999),
<<http://www.appcpenn.org/mediainhome/children/>>.

³⁴ *Id.*

B. The “Repurposing” of Children’s Programming Has Already Reduced the Amount of Original Programming for Children.

In the NPRM, the Commission asks whether cable and the Internet will provide additional sources of programming even if diversity among broadcast channels decreases.³⁶ Unfortunately, these media do not serve as real alternatives because an increasing amount of programming is “repurposed,” or shared between cable and broadcast partners, diminishing the original programming available to viewers. For example, *American Dreams* airs Sunday nights on NBC and then is repeated on Saturday nights on VH1; *Buffy the Vampire Slayer* runs on Tuesday nights on UPN and is syndicated twice on weekday mornings on FX; *CSI* is broadcast Thursday nights on CBS and Monday evenings on TNN; *NYPD Blue* runs on Tuesday nights on ABC and is rebroadcast twice daily in the afternoons on TNT.³⁷

In the children’s television arena, repurposing has become increasingly common. For example, Nickelodeon programming runs on CBS; ABC airs shows from the Disney Channel, ABC Family and Toon Disney; Discovery Kids fare can be found on NBC; and the Cartoon Network borrows programs from the Kids’ WB. In addition, many of the most popular kids’ websites are owned by broadcast and cable networks and the content itself is often derived from existing programming. For example, the *Kids’ WB!* website features content derived from programs featured on the Kids’ WB network, including *Pokemon*, *Yu-Gi-Oh!*, and *Static Shock*. Similarly, the *NICK JR.com* website bases its

³⁵ *Id.*

³⁶ See NPRM ¶42.

³⁷ Aaron Barnhart, “If You Missed Yesterday’s Show, Catch It Tomorrow,” *The Bergen Record*, 9 November 2002, F3.

content on *Hey Arnold!*, *Blues Clues* and *Dora the Explorer*, all of which are also shown on both Nickelodeon and CBS.

Networks have embraced repurposing for two reasons. First, airings in multiple venues bring in additional revenue. Second, repurposing exposes a broadcast show to a cable audience who then may begin to watch it on the network when it first runs.³⁸ As Jamie Kellner, Chairman and CEO of Turner Broadcasting System notes, “[a]s network profits have eroded, it’s clear that the financial model of a show that was based on one-time play was not very economical for the networks.”³⁹

When repurposed programs replace original programming, there is an inevitable reduction in diversity. Children Now, *et al.* are concerned that there will be even less diversity in an increasingly consolidated media marketplace, which will result in fewer hours of original programming for children. For example, recently, Disney announced its new business model in which it will integrate ABC’s programs, marketing and advertising with Disney’s cable networks. The repurposing of programs is a major component of the plan; currently, Disney is negotiating with its ABC affiliates to increase the limits on how much ABC network programming can be re-broadcast on its cable platforms.⁴⁰ Thus, parents who subscribe to cable with the assumption that their children will have access to diverse children’s programming may find much of the same programming that they already receive on the commercial broadcast networks.

The Commission should consider the model of other nations, which prioritize children’s interests by requiring a minimum amount of original programming. In

³⁸ *Id.*

³⁹ Scott Collins, “WB Bet on Sunday Reruns Pays Bonus,” *The Hollywood Reporter*, 9 December 2002.

Australia, for example, broadcasters are required to air first release shows during half of the time period in which they broadcast programming for school-age children. Further, with few exceptions, they cannot air more than one children's program from the same series on any given day.⁴¹ Such rules ensure original programming for the child audience.

Children Now, *et al.* urge the Commission to retain the ownership rules to ensure that children have access to sufficient original programming. If the Commission modifies or eliminates media ownership rules, Children Now, *et al.* may petition the Commission to adopt new rules to ensure a minimal amount of original programming for children.

C. Repurposing Could Undermine Broadcasters' Compliance with the Children's Television Act.

Repurposing is used by networks not only to maximize advertising revenue, but also to meet the requirements of the Children's Television Act. Over the last two years, the broadcast networks have begun to "sublease" children's programming, citing low profitability due to competition from children's cable networks. In fact, were it not for the "Three-Hour Rule," it is likely that networks would have abandoned children's programming altogether, as NBC indicated upon agreeing to a partnership with the Discovery Network.⁴² Instead of creating their own Saturday morning lineups, networks have "subleased" this time block to program channels or production houses to program for them.

⁴⁰ Diane Mermigas, "Disney Plans New TV Model," *Electronic Media*, December 2002.

⁴¹ Australian Broadcasting Authority, *Television: Children's Television Standards*, <<http://www.aba.gov.au/tv/content/childtv/standards>>, accessed 30 December 2002.

Repurposing could have negative implications for children's E/I programming. By not providing their own educational programming, broadcast networks are seemingly delegating their responsibility to provide E/I programming for children to partner corporations that are not licensed to serve the public interest. For example, Fox's arrangement with 4 Kids Entertainment raises particular concerns because the latter is a toy-licensing company that has the right to retain all revenue from network advertising sales during the Saturday morning time period (a four-year deal valued at \$100 million).⁴³ Thus, the Commission needs to examine how repurposing will affect commercial broadcasters' public interest obligation to provide educational programming for our nation's children.

Children Now, *et al.* are particularly concerned that elimination of the Local Television Ownership Rule will result in repurposed E/I programming across stations in a community.⁴⁴ Should the Commission modify or eliminate this rule, one owner could control several stations in the same market and potentially repurpose the same E/I programming across these stations to satisfy the Commission's children's television requirements. Such repurposing would drastically reduce the diversity of available educational programming. Because currently children have a minimal amount of E/I programming available, the Commission must ensure that the owners do not offer repurposed shows across stations. Thus, Children Now, *et al.* urge the Commission to

⁴² Meg James, "Discovery to Fill NBC's Saturday Morning Lineup," *Los Angeles Times*, 7 December 2001, p. C4.

⁴³ Cynthia Littleton, "DIC Still in Fox Game with 4 Kids Side Deal," *The Hollywood Reporter*, 23 January 2002.

⁴⁴ The Local Television Ownership Rule allows an owner to control two TV stations in the same market as long as that market has eight independent voices and one station is not among the top four stations in that market. See NPRM ¶73.

retain the Local Television Ownership Rule to preserve the E/I programming for children in local communities.

V. MEDIA CONSOLIDATION WILL GREATLY REDUCE COMPETITION, WHICH WILL NEGATIVELY AFFECT THE QUALITY OF CHILDREN'S PROGRAMMING.

Commercial broadcasters have historically neglected the needs of children unless required to do so by law. For example, in 1980, under the threat of federal regulation, the three major networks broadcast eleven hours of educational programming each week. In 1983, without the threat of regulation, network broadcasters aired only four and a half hours of such programs per week. By 1990, they were down to less than two hours per week. Meanwhile, during the same time period, toy-based programs for children increased from about 13 programs in 1980 to more than 70 programs (over half of all children's programs) by 1987.⁴⁵ Thus, history has demonstrated that the market alone cannot be entrusted to meet children's programming needs.

Although broadcasters are presently required to air three hours of educational programming each week, economic pressures from aggressive media consolidation continue to adversely affect children's programming content. As media outlets consolidate, so too do the number of producers of children's content. The reduced competition among buyers and sellers tends to decrease innovation while simultaneously increasing the presence of commercialism, ultimately disserving the nation's children.

⁴⁵ Newt Minow and Craig LaMay, *Abandoned in the Wasteland: Children, Television and the First Amendment* (New York: Hill and Wang, 1995).

A. Consolidation Reduces Competition, Stifling Potential Sources of Innovative Children's Programming.

If the Commission is to fulfill its obligation to protect the public interest, it must consider how media consolidation negatively affects innovation in children's programming. Previous attempts to deregulate broadcast media have resulted in increased consolidation and decreased competition and innovation. For example, upon deregulating the radio industry in 1996, then-Chairman Reed Hundt explained that the Commission was "fostering innovation and competition in radio."⁴⁶ The Commission's actions, however, failed to accomplish either goal. Radio ownership deregulation has virtually eliminated large-scale competition, with four companies controlling 70 to 90 percent of the market share in nearly every radio market.⁴⁷ Innovation has also diminished. The Commission's research studies found little evidence of diversity in radio station playlists.⁴⁸ Rather than creating unique programs for each of their many radio stations, owners are broadcasting nearly identical playlists across various program formats.⁴⁹ Such format redundancy undermines innovation and reduces program options for listeners.

A similar pattern is already occurring in children's television programming. Due in part to the practice of repurposing, very few of the programs that are currently

⁴⁶ Reed Hundt, "The Hard Road Ahead," speech delivered 26 December 1996. *See also* Patricia Aufderheide, *Communications Policy and the Public Interest* (Guilford Press, 1999), Appendix I, p. 289, quoted in Future of Music Coalition, *Radio Deregulation: Has It Served Citizens and Musicians?*, <<http://www.futureofmusic.org/research/radiostudyexecsum.cfm>>, 18 November 2002.

⁴⁷ Future of Music Coalition (2002).

⁴⁸ Dean Baker, *An Analysis and Critique of the FCC Studies*, Department for Professional Employees, AFL-CIO Publication No. 02-5 (Washington, D.C.: DPE, AFL-CIO, December 2002).

⁴⁹ Future of Music Coalition (2002).

available for children are new programs.⁵⁰ According to the 2001 Screen Digest Report, *The Business of Children's Television*, “[t]he amount of children’s programming has expanded exponentially. However, the amount invested in acquiring and originating in programming has not expanded in line. A high percentage of outlets are running repeat programs.”⁵¹ Thus, children are not receiving an “expand[ed] number of programming choices...and program content for increasingly specialized audiences.”⁵² Moreover, while exposing children to programming with a variety of formats is most beneficial, animated shows are the most cost-effective way to fill an hour. Consequently, producers find it difficult to get other types of programs on the air,⁵³ affording children little access to genre diversity. Media concentration, therefore, has led to homogenization, rather than innovation, in children’s programs.

Children Now, *et al.* believe that these precedents give us reason to be concerned that this will continue with further media consolidation. The Commission should consider how television will stimulate children’s developing minds if reruns are a major component of their media diet. The Commission should also consider how new producers will be able to get their shows on the air if only a handful of media companies, many with either their own production divisions or exclusive deals with well-established production companies, control access to every broadcast outlet.

⁵⁰ Emory H. Woodard, IV, *The 1999 State of Children’s Television Report: Programming for Children Over Broadcast and Cable Television* (Philadelphia, PA: Annenberg Public Policy Center, 1999).

⁵¹ Screen Digest, extract from *The Business of Children’s Television*, 2nd edition, November 2002, pp. 9-11, <http://premium.screendigest.com/content/SD_R_BCT_11-2001_1.stml/view>, accessed 8 December 2002.

⁵² See NPRM ¶65.

Media consolidation will lead to fewer decision-makers who, due to financial pressures, will be more likely to replicate existing programs, and will be even less willing to invest in new types of children's programming. As Toper Taylor, president of Nelvana Communications notes, "[b]reakout hits have traditionally arisen from unexpected sources that took creative risks, not just putting shows into a formula or a mold."⁵⁴ *Sesame Street* and *Dora the Explorer* are examples of groundbreaking programs that likely never would have made it into children's homes if program and broadcast executives had not been willing to take risks.⁵⁵ Children Now, *et al.* therefore recommend that the Commission consider the impact that media deregulation will have on innovation in children's programming. The Commission should leave the national and local ownership rules intact in order to maintain some level of innovation and quality in children's programming.⁵⁶

B. Children Are Particularly Vulnerable to Commercialism, Which May Increase with Consolidation.

Throughout the NPRM, the Commission questions the effect that media ownership regulations have on advertisers and their ability to make a profit.⁵⁷ Never does it question what effect ownership regulations will have on children or children's program

⁵³ David Kleeman, *One Mission, Many Screens* (New York: Public Broadcasting Service and Markle Foundation, 17 April 2002), <<http://www.markle.org/News/OneMissionManyScreens.Pdf>>.

⁵⁴ Toper Taylor, quoted in Brian Lowry, "NBC and Fox Hire Sitters for the Kids," *Los Angeles Times*, 31 August 2002, p. F1.

⁵⁵ *Dora the Explorer*, a recent hit on Nickelodeon, features a Latina protagonist, which is a rarity on television.

⁵⁶ Furthermore, Children Now plans to conduct research on the effect of media consolidation on source diversity and program innovation. Because this research is vital to any discussion of media deregulation's impact on children, Children Now, *et al.* urge the Commission to reserve any decision making until our findings are complete.

⁵⁷ See, e.g., NPRM ¶59.

design. In this NPRM, the Commission appears primarily concerned about the needs of the media industry. Children Now, *et al.* ask that the Commission consider the impact that media consolidation will have on commercial influences in children's programming advertisements and content.

Developmental research has shown that young children cannot make the distinctions required to be critical media consumers. Consequently, they are highly vulnerable to commercial influences in the media they consume. Numerous reports on child development have documented the negative effects commercialism has on children, ranging from increases in parent-child conflicts⁵⁸ to unhealthy eating habits⁵⁹ to irresponsible attitudes towards drugs and alcohol.⁶⁰

Despite the advertising restrictions imposed by the Children's Television Act, studies indicate that the average American child views over 40,000 television commercials each year.⁶¹ Networks broadcast more advertisements during children's programs than do independently-owned stations or cable stations.⁶² These figures do not take into account children's exposure to commercialism through other practices such as cross-marketing, product placement, product merchandising and program-length commercials. Children Now, *et al.* are concerned that if there are fewer media owners

⁵⁸ Dale Kunkel, "Children and Television Advertising," in *Handbook of Children and the Media*, D. G. Singer and J. L. Singer, eds. (New York: Sage Publications, 2001), pp. 375-393.

⁵⁹ G. Gorn and M. Goldberg, "Behavioral Evidence of the Effects of Televised Food Messages on Children," *Journal of Consumer Research*, vol. 9 (1982), pp. 200-205.

⁶⁰ V.C. Strasburger, "Children, Adolescents, Drugs, and the Media," in *Handbook of Children and the Media*, D. G. Singer and J. L. Singer, eds. (New York: Sage Publications, 2001), pp. 415-445.

⁶¹ Kunkel (2001), pp. 375-393.

who own more outlets, they may seek out opportunities to maximize these commercial practices, which will negatively affect children.

Consolidation, and the resulting increase in commercialism, also negatively affects the content of children's programs. For example, licensing concerns unduly influence decisions about children's programming today.⁶³ Most preschool television programming is not even conceptualized without merchandising to accompany the shows.⁶⁴ Large media conglomerates, whose primary interest is to generate revenue rather than provide quality programming for children, will maximize opportunities to market to young viewers.⁶⁵ Consequently, within-program commercialism may increase, and it will be more difficult for any new show to make it on air unless it offers a licensing "hook." Prioritizing merchandising possibilities over the cognitive or social merits of a program will greatly jeopardize the quality of programming for children and expose them to the detrimental effects of commercialism.

VI. THE COMMISSION MUST ENSURE THAT THERE IS SUFFICIENT LOCAL PROGRAMMING TO SUPPORT CHILDREN'S HEALTHY DEVELOPMENT.

Research shows that local programming, including news, public affairs and E/I shows, has positive effects on education, civic engagement and community and public health outcomes.⁶⁶ Yet, research also shows that a consolidated media marketplace limits

⁶² *Id.* The amount of advertising time on different stations is as follows: 10:05 minutes per hour for network broadcast stations; 9:37 minutes per hour for independent stations; 7:49 minutes per hour for USA Network; and 6:28 minutes per hour for Nickelodeon.

⁶³ Elizabeth Jensen, "Big Bird, Pals Fighting to Regain Turf," *Los Angeles Times*, 4 December 2000, p. A1.

⁶⁴ *Id.*

⁶⁵ This trend may be especially apparent when digital video replay (DVR) technology such as TiVo and ReplayTV become more pervasive and viewers have the option of skipping over commercials.

⁶⁶ Civic Practices Network, "Civic Lessons: Report on Four Civic Journalism Projects" (Washington, D.C.: Pew Charitable Trusts, 1997), <<http://www.cpn.org/>>, accessed 9

the amount of local programming available to communities.⁶⁷ Thus, there is a continuing need for the FCC to ensure that there is sufficient local programming to support children's healthy development.

A. Media Consolidation Diminishes Local Programming Content.

Children Now, *et al.* maintain that media consolidation reduces the amount of local programming. We are concerned that modifying or eliminating ownership rules will further decrease the amount of local programming and will ultimately have a negative impact on children.

Comments submitted by UCC, *et al.* provide extensive evidence of how the relaxation of the rules governing television duopolies and cross-ownership has reduced local television news programming in many markets.⁶⁸ Further, analysis of the Newspaper-Broadcast Station Cross-Ownership Rule conducted by the Economic Policy Institute (EPI) shows how consolidation has given rise to an environment where a media conglomerate's interest in profit maximization overrides concerns of localism and diversity.⁶⁹ In many markets, even as the number of outlets has increased, the numbers of distinct voices actually has decreased.⁷⁰

Consolidation also has had an adverse impact on local educational programming for children. In 1997, the Annenberg Public Policy Center forecast that as the networks increasingly provided inexpensive E/I programming, locally-produced programming

December 2002. For example, civic journalism projects across the country have strengthened community leaders' sense of accountability and produced tangible community revitalization projects.

⁶⁷ Benton Foundation, Communications Policy Project, "Broadcast Spectrum and the Debate on the Future of Television," <<http://www.benton.org/Library/TV/broadcastspectrum.html>>, revised 19 December 1996; accessed 10 December 2002.

⁶⁸ See Comments submitted by UCC, *et al.*, filed 2 January 2003.

⁶⁹ Douglas Gomery, *The FCC's Newspaper-Broadcast Cross-Ownership Rule: An Analysis* (Washington, D.C.: Economic Policy Institute, 2002), <<http://www.epinet.org/books/cross-ownership.pdf>>.

⁷⁰ *Id.*

would diminish or be squeezed out of viable time slots. A subsequent study by Annenberg demonstrated the truth of its earlier prediction. In a 1999 survey of approximately 1200 commercial broadcasters reporting on their E/I programming, the Annenberg Public Policy Center found that only 65 E/I shows were locally-produced.⁷¹ Many of these locally-produced programs disappeared as networks began offering three-hour blocks of programming. By 1999, only a few stations supplemented their lineups with locally-produced E/I programming.⁷²

B. Locally-Produced News, Public Affairs and E/I Programming Enhances the Education and Civic Engagement of Children.

It is evident that media consolidation diminishes the amount of locally-produced news, public affairs and E/I programming. Children Now, *et al.* argue that the dearth of local programming compromises a community's ability to provide civic education for children.

Locally-produced news and public affairs programming can provide children with information and differing perspectives on specific local issues and can have a powerful influence on how children learn about the values of citizenship and community building.⁷³ Yet this genre of programming is very rare in local broadcast markets today, resulting in limited, if not non-existent, viewpoint diversity for children.

An example, albeit rare, of the role of local programming in the civic education of children can be found on the KKBT-FM radio talk show, *Street Science*, which airs in the

⁷¹ Jordan (1999).

⁷² *Id.*

⁷³ Kathryn C. Montgomery, Center for Media Education, "FCC Hearing on Children's Television Programming and Public Interest Obligations of TV Broadcast Licensees," <http://www.cme.org/press/dtv_fcc_km.html>, accessed 16 October 2002.

Los Angeles market to a million daily listeners.⁷⁴ *Street Science* has featured youth and community town hall discussions on topics such as race relations, welfare reform, homelessness, domestic violence and affirmative action policy. The program offers listeners direct access to mayors and members of Congress. Civic actions resulting from this local programming include a town hall meeting on African-American and Asian relations in Los Angeles and the creation of teams to conduct gang intervention activities. Local community leaders, as well as President Clinton's One America Initiative, have recognized this program as a vital community forum.⁷⁵

Locally-produced E/I programming also offers distinct benefits for children. While network-supplied or syndicated programs do not allow local broadcasters to shape content in response to local concerns, locally-produced E/I programming offers content that can be specific to the needs and interests of the community.⁷⁶ The majority of these programs are live-action series designed to convey specific lessons in a news or news magazine format, and they frequently incorporate community interests or events.⁷⁷

An example illustrates the value of local E/I programming for youth. For eight years, *Home Turf*, airing on KRON-TV, a former NBC affiliate in San Francisco,

⁷⁴ KKBT-FM, "Community Action," <<http://www.thebeatla.com/main/action/science.html>>, accessed 10 December 2002.

⁷⁵ One America Initiative, "Promising Practices: The President's Initiative on Race," <http://clinton3.nara.gov/Initiatives/OneAmerica/Practices/pp_19980810.15508.html>, accessed 10 December 2002. See NPRM ¶96, noting that the Commission has historically such awards as "one relevant indicator of local news quality."

⁷⁶ Amy B. Jordan, *Children's Educational Television Regulations and the Local Broadcaster: Impact and Implementation* (Philadelphia, PA: Annenberg Public Policy Center, 1997), <<http://www.appcpenn.org/mediainhome/children/>>.

presented community-oriented issues using celebrities, teens and a live studio audience. The program received numerous awards including the American Scene Award in 1991 from SAG/AFTRA, which honors shows that positively portray seniors, minorities, the disabled and women. *Home Turf* also received three Parents' Choice Awards and seven Emmys.⁷⁸

In the existing media marketplace, children already have very minimal access to locally-produced news, public affairs and E/I programming. Children Now, *et al.* are concerned that the further relaxation or elimination of rules would further decrease the ability of local stations to program in response to a community's needs and could jeopardize a community's ability to serve its children. Without broadcast ownership rules, market forces alone would dictate the amount and type of local programming available to children; as the history of children's television demonstrates, the marketplace will not provide what is best for children.

C. Local News and Public Affairs Programming Focused on Children's Issues Is Vital to Ensuring that Policymakers are Well-Informed.

In addition to preserving local programming for children, Children Now, *et al.* argue that the Commission also must promote local news programming for adults. While this may appear to be an unusual argument from children's advocates, Children Now, *et al.* assert that sufficient local news programming is essential to ensure that there is adequate viewpoint diversity for adults about children's issues.

⁷⁷ Kelly L. Schmitt, "The Three Hour Rule: Is It Living Up to Expectations?" Report Series No. 30 (Philadelphia, PA: Annenberg Public Policy Center, 1999), <<http://www.appcpenn.org/mediainhome/children/>>.

⁷⁸ KGBT-FM (2002).

Eighty-six percent of American adults regularly watch local news broadcasts and 77 percent read local daily newspapers.⁷⁹ By covering certain events or problems, the news media legitimizes issues, sets agendas and identifies relevant voices for public discourse. While the media may not tell us what to think, in effect “it tells us what to think about.”⁸⁰ Today substantive stories about children’s issues rarely appear in daily newspapers or make evening newscasts.⁸¹ When the local news media forego children’s policy issues, the public is not informed on these matters.

Mergers resulting in duopolies that share newsgathering resources and editorial viewpoints harm citizens as they lose independent sources of local news. Children Now, *et al.* argue that limited viewpoint diversity will exacerbate the under-reporting of children issues on local news programming where vital information about children’s health, education and welfare is already scarce. Children Now, *et al.* are concerned that, in a consolidated media environment, there will be less local news programming, resulting in even less locally-initiated coverage about children’s policy issues than currently exists. Such a dearth of coverage would make it increasingly difficult to inform the public and policymakers about these important issues and potential solutions for our nation’s children.

An example of how consolidation has resulted in significantly less local programming about children’s issues can be found in radio broadcasting. Because of the Telecommunications Act of 1996, a company now may own an unlimited number of radio stations; over the past six years, large companies have acquired hundreds of

⁷⁹ Center for Media and Public Affairs, quoted in Children Now, *The Local Television News Media’s Picture of Children* (Oakland, CA: Children Now, 2001).

⁸⁰ Vincent Price and Donald Roberts, “Public Opinion Processes,” in *The Handbook of Communication Science*, Charles R. Berger, ed. (Beverly Hills, CA: Sage Publications, 1987), p. 808.

⁸¹ Children Now, *The Local Television News Media’s Picture of Children* (Oakland, CA: Children Now, 2001).

stations. For example, Clear Channel Communications Inc. has amassed over 1,200 radio stations, many in the same market, and draws an estimated 110 million listeners every week.⁸² Though Clear Channel claims to provide diverse programming coupled with a “live and local sound,” much of the editorial control resides in its San Antonio, Texas headquarters.⁸³ On a Clear Channel station, the most prevalent “local sounds” are the regionally-based advertising and promotional programming packages.

The dearth of local voices has had an immeasurable impact on local communities. For example, a youth-conducted community survey of KMEL 106.1 (a Clear Channel property in San Francisco Bay Area market with a daily listenership of 600,000) found that the station routinely excluded community youth organizer voices, neglected to present policy discussions affecting youth and people of color and focused on crime and violence in its news coverage. Most important, the station did not present citizens with clear avenues in which to hold the station accountable to the community’s needs and interests.⁸⁴

The findings of the KMEL survey bolster observations of academics and advocates who have reported that upon acquisition of local radio stations, large companies standardize program content, reduce local programming and increase advertisements.⁸⁵ Taken together, these findings may also indicate how consolidation and resulting marketplace efficiencies can reduce stations’ community discourse, which can

⁸² Clear Channel Communications, Inc., “Corporate Information,” <<http://www.clearchannel.com/ci.php>>, accessed 8 December 2002.

⁸³ *Id.*

⁸⁴ Youth Media Council, “Is KMEL the People’s Station?: A Community Assessment of 106.1 KMEL” (Oakland, CA: We Interrupt This Message and Youth Media Council, 2002), <<http://www.youthmediacouncil.org/pdfs/BuildAPeoplesStation.pdf>>.

⁸⁵ Robert W. McChesney and Mark Crispin Miller, “A Stealth Attack on Freedom of the Press,” *The Nation*, 21 February 2002, <<http://www.thenation.com/>>.

negatively influence their ability to cover children's issues, ultimately undermining the public interest.

Children Now, *et al.* ask that the Commission ensure that citizens have access to adequate viewpoint diversity through a range of local news programming. Such access will help to ensure that citizens are informed about important children's policy issues and potential solutions to address them.

VII. THE COMMISSION MUST CONSIDER HOW CHANGES TO THE OWNERSHIP RULES WILL IMPACT THE CHILDREN'S MARKET IN THE IMPENDING DIGITAL CONVERGENCE.

Perhaps the greatest vulnerability for America's children is the risk of being ignored amidst unprecedented technological innovations and endless commercial opportunities. In this section, Children Now, *et al.* argue that relaxing media ownership rules now would lessen digital television (DTV) broadcasters' incentives to innovate and to improve services to the child audience in the future. Current media ownership rules lay important groundwork and will help to preserve the Commission's goals of localism and diversity in the digitally-converged landscape.

A. The Commission Must Consider How Digital Convergence Will Affect Local Programming.

With the impending conversion to digital, maintaining national ownership rules that encourage local control of television stations and encouraging diverse local control of stations becomes even more critical. Digital television will allow local broadcasters to become multiple-channel operators, as they will be able to stream content on a minimum of four channels using the same amount of spectrum as they currently use.⁸⁶ With media mergers, the number of stations that could be under one owner's control is staggering.

Stations that are locally-owned would be more likely to be responsive to the needs of a local community, particularly to the needs of children, and would have greater incentives to promote local programming than would nationally-owned and operated stations. Further, continuing restrictions on owning multiple stations in a single market would promote diversity of local voices. The competition between local stations would encourage innovation in meeting the needs of local communities.

Research conducted by the Benton Foundation on public affairs programming and the implications for DTV policy, suggested that, “if policymakers desire a level of public affairs programming in the digital broadcasting that exceeds the levels currently available in the analog environment, then institution of specific public affairs programming obligations may be necessary.” Children Now, *et al.* urge the Commission to consider the impact of ownership rules on the child audience in the impending digital convergence to ensure that there is local programming available to meet their needs.

B. In a Digitally-Converged Environment, the Commission Must Not Consider the Internet a Substitute for Television.

Digital convergence will allow media consumers to watch television and use the Internet simultaneously from one platform. While digital television ultimately will provide Internet access to a broader child audience than is currently served, the Commission should not consider these media to be distinct voices in any diversity analysis.

When watching a television program in a digital environment, children will be able to click on a character or feature of the show and be taken to program-related

⁸⁶ Benton Foundation, “Broadcast Spectrum and the Debate on the Future of Television” (1996).

websites. In an increasingly consolidated media environment, with diminished diversity and competition, the repurposing of content will most likely increase. Thus, Children Now, *et al.* argue that with the development of digital television, the Commission should not consider the Internet as a substitute for television because they will be part of the same media experience and will be offering similar content to the child audience.

VII. CONCLUSION

In these Comments, Children Now, *et al.* have demonstrated the importance of preserving the current ownership rules in order to ensure that the broadcast media act in the interest of children. Our forthcoming study will focus on the impact of consolidation on programming for children and will help further illustrate these points. Children rely almost exclusively on broadcast media to provide them with diverse programming that educates and entertains. Only by retaining the ownership rules will the Commission promote the viewpoint diversity, competition and localism that are so necessary to the child audience.

Respectfully submitted,

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